



2. Shortly after August 16, 2010, Blue Tee and Gold Fields received a CD containing the “Expert Report of Kirk Brown” from Plaintiffs’ counsel. The CD also contained electronic copies of 7 exhibits to that report.

3. Shortly after August 16, 2010, Blue Tee and Gold Fields received a paper copy of a document titled “Expert Report of John M. Brown, Ph.D” from Plaintiffs’ counsel.

4. On October 15, 2010, Blue Tee and Gold Fields received an electronic copy of a document titled “Expert Report of Robert A. Simons, Ph.D” from Plaintiffs’ counsel.

5. Attached hereto as Exhibit A is a true and correct copy of the “Expert Report of Kirk Brown.”

6. Attached hereto as Exhibit B is a true and correct copy of Exhibit 1 to the Expert Report of Kirk Brown which was delivered to Blue Tee and Gold Fields as a .pdf file named “Ex. 1 Brown 10.15.08 resume and testimony list.”

7. Attached hereto as Exhibit C is a true and correct copy of Exhibit 2 to the Expert Report of Kirk Brown which was delivered to Blue Tee and Gold Fields as a .pdf file named “Ex. 2 04.12.04 Kirk W Brown expert report in Cole.”

8. Attached hereto as Exhibit D is a true and correct copy of Exhibit 3 to the Expert Report of Kirk Brown which was delivered to Blue Tee and Gold Fields as a .pdf file named “Ex. 3 10.28.2004 Rebuttal Report.”

9. Attached hereto as Exhibit E is a true and correct copy of Exhibit 4 to the Expert Report of Kirk Brown which was delivered to Blue Tee and Gold Fields as a .pdf file named “Ex. 4 05.27.05 Brown Affidavit.”

10. Attached hereto as Exhibit F is a true and correct copy of Exhibit 5 to the Expert Report of Kirk Brown which was delivered to Blue Tee and Gold Fields as a .pdf file named “Ex. 5 06.04.07 Brown Affidavit.”

11. Attached hereto as Exhibit G is a true and correct copy of Exhibit 6 to the Expert Report of Kirk Brown which was delivered to Blue Tee and Gold Fields as a .pdf file named “Ex. 6 06.14.07 Brown Affidavit with attachments.”

12. Attached hereto as Exhibit H is a true and correct copy of Exhibit 7 to the Expert Report of Kirk Brown which was delivered to Blue Tee and Gold Fields as a .pdf file named “Ex. 7 02.04.08 Brown Rebuttal Report.”

13. In an e-mail dated August 17, 2010, and in a subsequent telephone conference between the parties’ counsel, Plaintiffs’ counsel made clear that Plaintiffs were not incorporating Dr. Kirk Brown’s prior opinions from previous cases; rather, Plaintiffs’ counsel stated that his prior reports and affidavits were attached to the “Expert Report of Kirk Brown” as illustrative of the methodology he would employ in this case to perform site-specific modeling for each Plaintiff after the Court had made a decision regarding the structure of any trials in this case.

14. Attached hereto as Exhibit I is the August 17, 2010 e-mail from Plaintiffs’ counsel referenced above. It states:

In connection with Dr. Kirk Brown’s report, we included Dr. Brown’s analysis of individual parcels in the Palmer case. Dr. Brown will be relying on and using the same methodology in the Cole and Evans cases as he used in the Palmer case. Obviously however, until bellwether Plaintiffs are identified and decided upon, it is not possible or feasible to do site specific modeling in an efficient or economical manner that is consistent with the Federal Rules of Civil Procedure or helpful to the trier of fact. As such, in Cole and Evans, Dr. Brown will perform specific modeling once bellwether Plaintiffs were identified and confirmed.

15. Attached hereto as Exhibit J is a true and correct copy of the “Expert Report of John M. Brown, Ph.D” which contains a single exhibit titled “Re: Report for Reentrainment of Chat Particles at Tar Creek Superfund Site.”

16. Attached hereto as Exhibit K is a true and correct copy of the “Expert Report of Robert A. Simons, Ph.D.”

17. Attached hereto as Exhibit L is a true and correct copy of one of the Cole individual Plaintiffs’ Responses to Interrogatory No. 2 from Defendant Blue Tee Corp.’s First Interrogatories. Those Plaintiffs who have responded to this Interrogatory have stated in response that “Plaintiff has no way of ascertaining ... [the] source” of the substances that allegedly contaminated the properties at issue and further state that “Plaintiff will rely upon expert testimony for further response.” (*See id.* at Exhibit L.)

18. Attached hereto as Exhibit M is a true and correct copy of excerpts from the transcript of the June 10, 2010 hearing in this matter before Magistrate Judge Cleary.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Kansas City, Missouri, on this 19th day of November 2010.

/s/ Amy M. Crouch \*  
Amy M. Crouch

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*\* I certify that I have the signed original of this document, which is available for inspection at any time by the Court or a party to this action.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of November 2010, I electronically transmitted the foregoing Declaration of Amy M. Crouch in Support of Motion for Summary Judgment Filed by Defendants Blue Tee Corp. and Gold Fields Mining, LLC to the Clerk of the Court using the ECF system for filing and transmittal notice of Electronic Filing the following recipients:

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By: /s/ Amy M. Crouch \_\_\_\_\_